IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robinson et al.

Appl. No.: 09/942,583

Filed: August 31, 2001

For: Neisserial Vaccine Compositions

and Methods

Confirmation No.: 9616

Art Unit: 1645

Examiner: Minnifield, N. M.

Atty. Docket: 1581.0840001/RWE/M-G

First Supplemental Information Disclosure Statement

Under 37 C.F.R. § 1.97(b)

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed on August 21, 2001 in connection with the above-captioned application. A copy of each document is provided.

The Examiner's attention is directed to the following co-pending application:

U.S. Application No. 10/185,769, Robinson *et al.*, filed July 1, 2002, now published as U.S. Publication No. 2003/0021812 A1, and submitted herewith as document **AB1**.

In accordance with the recent Federal Circuit decision in Dayco Prods., Inc. v. Total Containment, Inc. 329 F.3d 1358 (Fed. Cir. 2003), Applicants submit herewith Office Actions from:

the related U.S. Published Application No. 2003/0021812 A1 as documents AS2 and AT2;

which is directed to related technical subject matter. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond

Attorney for Applicants Registration No. 32,893

Date: 0 ct 28 2004

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	AB1		0021812 A1	01/30/2003	Robinson et al.			07/01/2002	
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	AS	<u>2</u>	Copy of Office Action for United States Patent Application No. 10/185,769, Robinson <i>et al.</i> , filed July 1, 2002, mailed November 28, 2003						
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FIRST SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT

ATTY. DOCKET NO. 1581.0840001/RWE/M-G FIRST NAMED INVENTOR

APPLICATION NO. 09/942,583

Robinson et al. FILING DATE August 31, 2001

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